

**RULES OF PROCEDURE  
OF THE  
HOWARD COUNTY ZONING BOARD  
(As Adopted February 26, 2002)**

**SECTION 2.400 - GENERAL**

These Rules of Procedure for the Howard County Zoning Board are adopted pursuant to the authority of Section 16.206 of the Howard County Code and the Howard County Zoning Regulations.

**SECTION 2.401 - ORGANIZATION**

A. **Chairperson; Vice-Chairperson.** The Howard County Zoning Board (the Board) shall consist of the members of the County Council. The Board shall elect annually on the first Monday in December, a Chairperson and a Vice-Chairperson of the Board. The Chairperson shall have the duty and responsibility for the overall administration of the Board's activities and employees. The Vice-Chairperson shall preside at meetings and perform the other duties of the Chairperson when the Chairperson is unable to preside.

B. **Voting; Quorum.** A majority of the Zoning Board, i.e., at least 3 members, constitutes a quorum. A quorum shall be present before the board can hold a hearing.

C. **Administrative Assistant.** An Administrative Assistant to the Board shall be appointed by the Board and shall perform administrative duties as assigned.

D. **Legal Advisor.** The County Solicitor shall be the legal advisor and the draftsperson for the Board. With the approval of the Chairperson, the County Solicitor may delegate any or all of these duties, from time to time, to an attorney on his/her staff. The County Solicitor or designee shall attend all of the Board's public hearings, meetings and worksessions and shall be available for advice as requested by the Chairperson. The County Solicitor shall provide advice and assistance to any member desiring to publish an independent or minority opinion.

E. **Zoning Counsel.** The Zoning Board may employ a zoning counsel to perform duties as provided by law. Upon appointment, the zoning counsel shall be a party for purposes of these rules of procedure in all cases in which he or she has the authority to participate. However, nothing herein shall be construed to grant the right of the zoning counsel to appeal a Zoning Board decision.

**SECTION 2.402 - MEETINGS, HEARINGS AND SESSIONS**

A. **Scheduling.** The Board shall hold such meetings, hearings and sessions as may be scheduled by the Administrative Assistant after consultation with the Chairperson. Except as provided below for appeals of district map line administrative adjustments, no later than five working days following the acceptance by the Department of Planning and Zoning of a Zoning Board petition, the Director of the Department of Planning and Zoning or his/her designated representative shall submit one copy of the petition with all of its supporting documents, the date of the scheduled Planning Board meeting, and a request for a Zoning Board hearing date to the Administrative Assistant. The Administrative Assistant shall notify the Department of Planning and Zoning of the time, date and place of the Zoning Board hearing once the Planning Board meeting is completed. For appeals of district map line administrative adjustments, no later than five working days following the submittal of the petition, the Director of Planning and Zoning shall submit one copy of the petition and a request for a Zoning Board hearing date to the Administrative Assistant, who shall notify the Department of Planning and Zoning of the hearing date once it is established. The Department of Planning and Zoning shall notify the petitioner by letter and enter a copy of the letter in the record of proceedings.

B. **Place & Time of Hearings.** Hearings of the Board shall be held in the Banneker Room, George Howard Building, Ellicott City, Maryland, except as may be otherwise scheduled by the Board. Zoning hearings shall begin at 7:30 P.M. unless otherwise scheduled by the Board.

C. **Official Record of Hearings.** The Administrative Assistant shall maintain an official record of the proceedings of the Board in each case, which shall include all testimony and exhibits. Thirty days after the Decision and Order has been issued, and if no appeal has been filed, the official record of proceedings shall be forwarded to the Department of Planning and Zoning, the official custodian of the record. This official record is a public record which is open for inspection to the public.

D. **Transcription of Testimony.** It shall not be necessary to transcribe the testimony unless requested for court review, or when requested by any party. A request for a transcription shall be submitted in writing to the Administrative Assistant. The party ordering the record shall pay, in advance, the estimated cost of transcribing the record, and adjustments in payment shall be made upon completion of the transcript. In the case of an appeal filed with the Circuit Court, if an extension of time is required to complete the transcript of the record, it shall be incumbent upon the appealing party to request the Circuit Court for the extension.

E. **Public Attendance.** The general public and representatives of the news media are encouraged and invited to attend all zoning hearings and reasonable seating facilities shall be provided.

F. **Maintenance of Order.** All persons attending zoning hearings are expected to maintain order and decorum and to refrain from disturbing the orderly process of the hearings. The Chairperson shall maintain order and recess the hearings if any uncontrollable disorder occurs.

G. **Open Hearings.** Evidence shall be presented to the Zoning Board in hearings open to the public. The board shall not receive any evidence, argument, or other matter in closed session. Board members shall not engage in ex parte communications of any kind with anyone other than Board counsel or staff regarding the case from the time the Board is notified by the Director of the Department of Planning and Zoning of filing of the petition to 30 days after the time the Decision and Order is issued.

H. **Open Worksessions.** The public is invited to attend the worksessions held by the Board on a petition in accordance with the open meetings law, however, no additional evidence or testimony will be accepted.

I. **Closed Worksessions.** The Zoning Board may meet in closed session as permitted by the open meetings law.

#### **SECTION 2.403 - PIECEMEAL (NON-COMPREHENSIVE) MAP AMENDMENT PETITIONS, PETITIONS FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN, AND PETITIONS TO APPEAL DISTRICT MAP LINE ADMINISTRATIVE ADJUSTMENTS.**

##### **A. Petitions.**

###### **1. Who may file a Petition.**

Any person owning an interest in the property affected, the Department of Planning and Zoning, or any Zoning Board member may petition the Board for an amendment to the Zoning Map. A petition for approval or amendment of a preliminary development plan may be submitted by those persons authorized by the Howard County Zoning Regulations. Appeals of district map line administrative adjustment decisions may be taken by any person, officer, department, board or bureau of the County aggrieved by the decision of the Department of Planning and Zoning and who participated in the proceedings conducted by the Department of Planning and Zoning.

###### **2. Form of Petition.**

- a. **Petition Forms.** The form of the petition shall be as prescribed by the Chairperson after consultation with the Department of Planning and Zoning and the Office of Law. The petitioner may obtain petition forms from the Department of Planning and Zoning.

- b. **Statements and Drawings.** The petition shall be filed with the Director, Department of Planning and Zoning of Howard County, George Howard Building, Ellicott City, Maryland, and shall include such statements and drawings as are described in the Zoning Board petition form.
  - c. **Site Plan Documentation.** If a petition for an amendment to the zoning district boundaries includes site plan documentation, the provisions as outlined in Section 100.G.2. of the Howard County Zoning Regulations shall be followed.
  - d. **Complete Information.** The petition and the required number of copies to be submitted shall be as specified by the Department of Planning and Zoning. At the request of the petitioner, the Department of Planning and Zoning shall explain the requirements for submitting a petition and provide information available within the department, but it shall be the petitioner's responsibility to ensure that the petition is adequately completed.
  - e. **Exhibits.** Exhibits and plats admitted into evidence shall not be permanently mounted but must be easily removable in order to be folded to a maximum size of 9 inches by 14 inches for placement in the official file.
  - f. **Preliminary Review.** When a petition is filed, it shall be given a case number immediately. Except for appeals of district map line administrative adjustments, the Department of Planning and Zoning shall make a preliminary review of the petition and may require corrections or additional material before scheduling a Planning Board meeting date.
3. **Applicant's Amendment of Petition.** Requests to amend a petition shall be in writing, signed by the petitioner, and may be submitted only by the petitioner or his/her authorized representative. The Board may remand requests to amend an administrative adjustment petition to the Department of Planning and Zoning for its decision if it deems the amendment to be substantial. The amendment of petitions shall be subject to the following restrictions:
- a. **Amendments.** Amendment requests must be submitted to the Board prior to the close of the hearings on the petition.
  - b. **Substantial Amendments.** Amendments to zoning map petitions which involve new locations or more intensive zoning classifications shall not be considered. In those instances, the amended petition shall be filed as a new petition with the Department of Planning and Zoning, reviewed and re-advertised in accordance with applicable law and these Rules of Procedure. Amendments to Preliminary Development Plan petitions which substantially redesign or reconfigure the plan elements shall be remanded to the Planning Board for its recommendation.
  - c. **Additional Review.** The Board reserves the right to refer amended petitions to County agencies for additional review and recommendations.
4. **Withdrawal/Resubmission of Petition.**
- a. **Withdrawal of Petition.** Any petition may be withdrawn. All withdrawals shall be in writing, signed by the petitioner and may be submitted only by the petitioner or his/her authorized representative. No petition may be withdrawn after the commencement of the Zoning Board worksession to consider the petition. Withdrawals shall be submitted to the Department of Planning and Zoning prior to or during the Planning Board meeting on the petition, and shall be submitted to the Zoning Board Administrative Assistant after the Planning Board meeting, provided, however, that withdrawals of appeals to district map line administrative adjustments shall only be submitted to the Zoning Board Administrative Assistant.

- b. **Resubmission of Petition.** A petition which is the same or substantially the same as one that has been denied in whole or in part by the Board, shall not be resubmitted for a period of 24 months from the date of the last hearing by the Board. A petition which is the same or substantially the same as one that has been withdrawn after the taking of evidence at a public hearing of the Board, shall not be resubmitted for a period of 24 months from the date of the public hearing at which the petitioner withdrew the petition.

## **B. Fees**

1. **Payment of Fees.** Fees shall be paid by the petitioner at the time the petition is submitted in accordance with the current schedule of fees adopted by resolution of the County Council, except that fees for any additional hearing must be paid within 10 days of the final hearing. If a map petition is granted, the fee for revisions to the Zoning Map shall be paid within 30 days of the receipt of the Decision and Order. All checks shall be made payable to "Director of Finance, Howard County" and submitted to the Zoning Board Administrative Assistant for processing.
2. **Refund or Waiver of Fees.**
  - a. **Individual Petitions.** The Board may by order refund or waive in whole or in part the filing fee in any case in which the petitioner shows to the satisfaction of the Board that the Petitioner will be subject to an extraordinary hardship due to the payment of the fee. The Zoning Board recognizes the incurred county cost for processing petitions and may refund part of the filing fee for withdrawn petitions.
  - b. **Governmental Petitions.** In the event that the petitioner is an official, board, or agency of the Howard County government, all fees shall be waived provided that the petition was filed in the performance of the governmental duties of the official or agency. Fees shall be waived for any additional hearing(s) scheduled for the consideration of substantial amendment(s) to a petition when such amendment(s) is proposed by an officer or agency of the Howard County Government and approved for additional hearing(s) by the Board.

## **C. Notice to the Public**

1. **Advertising.** The petitioner shall advertise the subject of the petition and the time and place of the initial hearing at least 30 days prior to the Zoning Board hearing. The petitioner shall bear the cost of publishing the advertisement, which shall be published once in at least two newspapers of general circulation in Howard County. All proposed advertising shall be in a format deemed adequate by the Chairperson. The Administrative Assistant shall approve the proposed advertisement prior to insertion in any newspaper.
2. **Posting of Property.** The petitioner shall post and maintain posting of the subject property for at least 30 days immediately prior to the hearing. The poster shall indicate the proposed amendment, the location, time and date of the hearing. The Department of Planning and Zoning shall approve the quantity and the location of posters to ensure that local residents may reasonably be expected to see one of the posters. Posters shall remain in place for at least 15 days following the close of the hearing(s) to allow time for Board members to visit the site. The petitioner shall remove the posters within 15 days of notification of the decision in the case. The posters shall be posted in accordance with the Affidavit of Posting and Posting Procedures provided by the Department of Planning and Zoning. If the Petitioner in a district map line adjustment case cannot post the property because the Petitioner does not own the property, then the Petitioner shall send a copy of the notice of appeal and written notification of the place, time and date of the hearing to the property owner and the adjoining property owners, and shall file an affidavit of written notification with the Administrative Assistant to the Zoning Board.

3. **Filing Certificates of Advertising and Affidavit of Posting.** The petitioner shall file certificates of advertising and the Affidavit of Posting and Posting Procedures with the Administrative Assistant to the Zoning Board prior to the Zoning Board hearing.
4. **Notice to Adjoining Property Owners.** For all petitions except for appeals of district map line adjustments, at the petitioner's expense, a written notice shall be mailed in accordance with the requirements of the Zoning Enabling Act (Howard County Code).
5. **Responsibility for Ensuring Compliance with Advertising and Posting Requirements.** The petitioner is responsible for ensuring compliance with the advertising and posting requirements of this subtitle. If any question arises regarding compliance with the advertising and posting requirements, the burden is on the petitioner to prove compliance. If the Board determines that the petitioner has made a good faith effort to comply with the advertising and posting requirements, the Board may give the petitioner a reasonable opportunity to correct the non-compliance. If the Board determines that the petitioner has not made a good faith effort to comply with the advertising and posting requirements, the Board may dismiss or postpone the petition.

**D. Conduct of Hearings**

1. **Docket.** At the beginning of the hearing, the Chairperson shall call the docket. At this time, all preliminary matters, requests for continuance, and other motions may be heard.
2. **Presentation.** The petitioner, protestants and zoning counsel shall have the opportunity to state their cases by presenting testimony, exhibits and other relevant evidence. Except for the introduction of official documents and reports as provided in Subsection D.3. below, the Board shall not accept written testimony into the record unless it is presented by a witness appearing in person subject to cross-examination. Upon agreement of all parties, however, the Board may accept into the record written testimony.
3. **Order of Presentation and Burden of Proof.** The order of presentation in all cases before the Zoning Board shall be as provided below. For purposes of order of presentation and burden of proof, in appeals from administrative adjustment decisions, the petitioner before the Department of Planning and Zoning shall be the petitioner before the Zoning Board. The burden of proof in all cases is one of a preponderance of the evidence and is on the petitioner to show by competent, material and substantial evidence, that he or she is entitled to the relief requested and that the request meets all prescribed standards and requirements.
  - a. Introduction of reports and official documents pertaining to the subject property.
  - b. Presentation of the findings and recommendations of the Department of Planning and Zoning technical staff report and the Planning Board.
  - c. Petitioner's Presentation:
    - (1) Petitioner's opening statement
    - (2) Direct examination of the petitioner's witnesses.
    - (3) Cross-examination of the petitioner's witnesses by zoning counsel, protestants and the Board.
    - (4) Re-direct examination of petitioner's witnesses.
    - (5) Re-cross examination of petitioner's witnesses.
  - d. Zoning Counsel's Presentation:
    - (1) Zoning counsel's opening statement
    - (2) Direct examination of zoning counsel's witnesses.
    - (3) Cross-examination of zoning counsel's witnesses by the petitioner and the Board.

- e. Protestant's Presentation:
    - (1) Protestant's opening statement
    - (2) Direct examination of protestant's witnesses.
    - (3) Cross-examination of protestant's witnesses by the petitioner and the Board.
    - (4) Re-direct examination of protestant's witnesses.
    - (5) Re-cross examination of protestant's witnesses.
  - f. Conduct of cross examinations. Questions on cross-examination by petitioner, zoning counsel and protestants shall be brief, shall pertain only to statements made by the witness, shall be interrogatory in nature and not argumentative; questions shall not be preceded by statements nor shall they contain allusions to personality or motives. If the Chairperson shall rule the question out of order or objectionable, it shall be the duty of the person asking it to withdraw the question. In the discretion of the Chairperson, questions by protestants on cross-examination shall be put to the witness by the zoning counsel.
  - g. Rebuttal by Petitioner.  
The petitioner may present evidence to rebut any evidence introduced by the zoning counsel or any protestant.
  - h. Surrebuttal by zoning counsel and protestants.
  - i. Summation by Petitioner.
  - j. Summation by zoning counsel and Protestants.
- 4. **Oath.** All persons testifying in a case shall give his/her name and address and shall be required to take the following oath given by the Chairperson: "Do you solemnly promise to speak truthfully in the testimony you are about to give?"
  - 5. **Questions by Members.** Any member of the Board and the Board's legal counsel, upon recognition by the Chairperson, may question any witness at any time, but the Board's questions normally will be entertained after direct and cross examination.
  - 6. **Matters of Law.** All matters of law raised by any party during a hearing shall be ruled on by the Chairperson after consultation with legal counsel attending the Board. The rulings of the Chairperson, subject to the concurrence of a majority of the Board, shall be final, but objections thereto shall be entered in the transcript and made a part of the record of the proceedings.
  - 7. **Legal Memoranda.** The Board may receive, by a date certain, written memoranda summarizing the presentation of the several sides and analyzing the applicable law upon approval by the Board of a specific request made in open session.
  - 8. **Site Visit.** The Board reserves the right of its members to visit the property that is the subject of the hearing. The Board shall not base any finding of fact upon observations made during a site visit unless it so states its intention and gives all parties an opportunity to comment on such proposed findings of fact.
  - 9. **Continuation of Cases.** Cases which have not been concluded will be continued to a day, time, and location determined by the Board immediately before the initial hearing is suspended. It shall not be necessary to re-advertise a continued hearing or re-post the property. No written notification to the petitioner(s), zoning counsel or protestant(s) is necessary.

10. **Additional Evidence.** The Board may recess and/or leave the record open in a case to receive additional evidence at a later time if it deems that it is essential in making a proper decision. At the time the Board recesses and/or leaves the record open for the receipt of additional evidence, it shall specify how parties may receive copies of the additional evidence, and how much time parties have to respond before the record is closed.
11. **Communications Outside of a Hearing.** There shall be no ex parte communications between a member of the Board and a party to the case regarding any matter relevant to the merits of the case. A party filing written correspondence with the Board shall certify in writing that a copy of the correspondence has been served to all parties of record to the case or to their representative.
12. **Signing Up To Testify.** All individuals who are called to testify or desire to testify at a hearing shall sign their own name to the roster in favor of or opposed to the petition before the Board, as the case may be. If a hearing is continued, only the individuals who have signed a roster prior to the end of the petitioner's case or are called by the petitioner in rebuttal or the protestants in surrebuttal shall be permitted to testify.
13. **Parties.** An individual or any other legal entity may become a party to the proceedings before the Board by:
  - a. Providing the name, address and signature of the party and/or of the legal entity's duly authorized representative on a sign-up sheet provided by the Board.
  - b. Testifying before the Board and providing it with the name and address of the party and/or legal entity;  
or
  - c. Sending a letter to the Board, received before the close of the record in the case, indicating that the individual and/or legal entity is an interested party to the matter before the Board and providing the party's name, address and signature. Such letters may not be considered for any substantive content and will be received into evidence only for identification of parties to the case. In addition, petitions for or against a zoning matter shall not be used for purposes of conferring party status on those individuals signing the petition under this provision.
14. **APPEARANCES BEFORE THE ZONING BOARD**
  - a. **Who May Appear.** The following individuals may appear before the Board providing that the individual, partnership, corporation, trust, association, political subdivision, body or department they represent is a party to the proceedings before the board:
    - (1) An individual may appear on his or her own behalf.
    - (2) A member of a partnership may represent the partnership.
    - (3) A duly appointed representative of a corporation, trust, or association may represent the corporation, trust, or association.
    - (4) A duly authorized representative or employee of a political subdivision, body, or department may represent the political subdivision, body, or department.
  - b. **Spokesperson.** When a group of individuals appear in opposition to a petition, the Board may request them to elect a spokesperson who shall have the power to cross-examine witnesses, call witnesses, introduce evidence on behalf of the group, object to the introduction of evidence, make opening and closing statements, and act in a representative capacity solely on behalf of those individuals electing the

spokesperson. Those individuals not electing to be represented by a spokesperson may act on their own behalf.

- c. **Representation by Attorney-at-Law.** Any party in a proceeding may be represented by an attorney-at-law admitted to practice law before the Court of Appeals of Maryland. Before the hearing begins, the attorney shall give the board written notification of the names and addresses of individuals he or she will be representing and his or her own name, address and telephone number.
- d. **Representatives of Associations; Number of Members; Geographical Limits.** An individual testifying on behalf of any association shall substantiate that he or she is authorized to speak for and present the views of that association. The authorization may consist of a duly adopted resolution of the association signed by the president or attested by the secretary. The individual testifying shall state the number of members in the association and its geographic boundaries, if any.

## **SECTION 2.404 - DECISION AND ORDER**

- A. **Majority Vote.** The decision to grant or to deny a petition shall be by majority vote of the entire Board, and the vote of each member shall be recorded and made a part of the record of the case. A lack of majority vote of the entire Board shall constitute a denial thereof. Board members who were absent from all of or part of a case may take part in the Board's decision by listening to the recording of the hearing and reviewing the exhibits presented and attesting to said action in the Decision and Order.
- B. **Decisions Specific to Piecemeal Zoning Map Amendment Petitions.** The Zoning Board may grant a zoning map amendment for a less intense zoning classification than that requested by the applicant for all or part of the property for which rezoning is requested. The Zoning Board may grant a zoning map amendment for the zoning classification requested for a portion of the property for which rezoning is requested. Zoning map amendments for less intense zoning classifications and/or for less area than that requested by an applicant must be supported by evidence in the record.
- C. **Decision and Order.** The final Decision and Order of the Board shall be in writing, shall be signed by all concurring participating members of the Board, attested by the Administrative Assistant and shall be accompanied by findings of fact as supported by evidence in the record, with a concise statement of the conclusions upon each contested issue of fact as well as the reasons or basis therefore and conclusions of law. The Decision and Order shall be made a part of the record of proceedings, filed with the Department of Planning and Zoning and maintained by that department as part of the official records of the County.
- D. **Dissenting Opinion.** Any members of the Board may file a dissent from the majority opinion. Such dissenting opinion(s) shall be made a part of the record of proceedings and the Decision and Order.
- E. **Time Period.** Each case shall be decided and the final Decision and Order shall be issued no later than 60 days after the record closes unless cause to the contrary be shown. The Board may, upon its own motion and with reasons stated, extend the time of the issuance of the final Decision and Order to 90 days.
- F. **Distribution of Decision and Order.** Upon receipt of the Board's final Decision and Order in any case, the Administrative Assistant shall distribute copies to the petitioner or appellant and/or his/her agent, to representatives of the news media and to any person requesting a copy in person or in writing. Upon receipt of a Decision and Order which results in a change to the zoning maps, the Department of Planning and Zoning shall amend the official Zoning Maps as applicable. The Department of Planning and Zoning shall also notify the Maryland State Department of Assessments and Taxation of any zoning map change.
- G. **Appeal of Decision and Order.** Any person authorized by law may appeal the Decision and Order to the Circuit Court for Howard County in accordance with the Maryland Rules of Procedure. The party appealing the ruling of the Decision and Order shall immediately request and make payment for the transcript of the record to the



Administrative Assistant (see 2.402.D.).

## **SECTION 2.405 - RECONSIDERATION OF DECISION AND ORDER**

- A. **Revisory Power.** Within 30 days after the entry of a Decision and Order, the Board shall have revisory power and control over the Order in the event of fraud, substantial mistake, inadvertence or irregularity. The Board's original Decision and Order may be revised only if the party petitioning for reconsideration establishes fraud, substantial mistake, inadvertence or irregularity.
- B. **Written Petitions.** Written petitions for reconsideration may be filed with the Board by any party to a case within 15 days from the issuance of a final Decision and Order and shall be served by the petitioner within 5 days of reconsideration filing on all parties of record. The petition shall contain supporting reasons for the reconsideration based on fraud, substantial mistake, inadvertence, or irregularity. The filing of a petition for reconsideration shall not automatically suspend the Board's Decision and Order.
- C. **Response to Reconsideration.** Any party of record may file a response to the reconsideration petition within 10 days from the date of receipt of the reconsideration petition.
- D. **Board's Authority.** The Board shall have authority to revise a Decision and Order within 30 days after the issuance of same. Unless the Board, by written order, grants a petition for reconsideration and suspends its Decision and Order within 30 days of its issuance, the reconsideration petition shall be deemed to be denied. The Board may deny a petition for reconsideration by written order.
- E. **Public Hearing on Reconsideration.** If the Board grants a petition for reconsideration and suspends its Decision and Order, it shall schedule a public hearing on the reconsideration, and provide written notice thereof, to all parties of record. At the reconsideration hearing, all parties shall be heard on the issue of any alleged fraud, substantial mistake, inadvertence or irregularity. Following the reconsideration hearing, the Board shall issue a written Decision and Order in accordance with Section 2.404 of these rules.

## **SECTION 2.406 - ADOPTION AND AMENDMENT OF RULES**

Any interested person may petition the Board to adopt, amend or repeal any of its Rules of Procedure. The petitioner shall advertise a public hearing on the proposed amendments at least 30 days prior to the hearing date. All interested persons shall have the opportunity to comment on the proposed change(s) at the public hearing. The Board shall receive comments in writing from the time of introduction of the amendments to no later than two weeks after the conclusion of the last public hearing. The adoption of a proposed amendment shall be by a majority vote of the Board.

## **SECTION 2.407 - DECLARATORY RULING**

Any interested person may petition the Board to issue a declaratory ruling with respect to the applicability to any person, corporation, property or state of facts of any rule adopted by the Zoning Board, or the Zoning Enabling Act, or the Zoning Regulations or the Zoning Map of Howard County. The petition shall be publicly advertised with a public hearing date. All interested persons shall have the opportunity to comment on the petition at the public hearing. The adoption of the declaratory ruling shall be by a majority vote of the Board. Any interested person who is a party to the proceeding from which the declaratory ruling was issued may appeal said ruling to the Circuit Court for Howard County in accordance with the Maryland Rules of Procedure for declaratory judgement actions.

## **SECTION 2.408 - SEVERABILITY**

If any clause, sentence, part or parts of these rules, or of any section thereof, shall be held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this title or of any section thereof.